

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California

FILED
DEC 22 2025
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY


RYCHKOV VITALII
Petitioner

Warden, Otay Mesa Detention
center field officer director
ice San Diego
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. '25CV3745 CAB MSB
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

- (a) Your full name: RYCHKOV VITALII
(b) Other names you have used: N/A
- Place of confinement:
(a) Name of institution: Otay Mesa Detention center c/o Core Civic
(b) Address: P.O. BOX 439 049 San Diego, CA 92143-9049
POD-H101
(c) Your identification number: 
- Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
- Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
 Being held on an immigration charge
 Other (explain): _____

Decision or Action You Are Challenging

- What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Otay Mesa Immigration Court
P.O. Box 438150, San Diego, CA 92143-8150, US Immigration and Customs Enforcement

(b) Docket number, case number, or opinion number: [REDACTED]

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Order of the Immigration Judge 12/05/2025. 1) Is not covered by the presumption of asylum ineligibility at 8 C.F.R. § 1208.33(a)(1)-(2). 2) The Applicant has not established a significant possibility of eligibility for asylum under sec 2

(d) Date of the decision or action: 12/05/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Immigration Court

(2) Date of filing: 12/01/2025

(3) Docket number, case number, or opinion number: _____

(4) Result: The DHS credible fear determination is AFFIRMED, and the case is returned to DHS.

(5) Date of result: 12/05/2025

(6) Issues raised: A review of the Department of Homeland Security's (DHS's) negative credible fear determination was held in this matter. This Court considered testimony and any documentary evidence submitted regarding the Applicant's fear of persecution or torture.

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: I have no right.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: I have no right.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

(a) Date you were taken into immigration custody: 11/16/2025

(b) Date of the removal or reinstatement order: 12/05/2025

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

If "Yes," provide:

- (1) Date of filing: _____
 - (2) Case number: _____
 - (3) Result: _____
 - (4) Date of result: _____
 - (5) Issues raised: _____
- _____
- _____
- _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court: _____
 - (2) Date of filing: _____
 - (3) Case number: _____
 - (4) Result: _____
 - (5) Date of result: _____
 - (6) Issues raised: _____
- _____
- _____
- _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
 - (b) Name of the authority, agency, or court: _____
- _____
- (c) Date of filing: _____
 - (d) Docket number, case number, or opinion number: _____
 - (e) Result: _____
 - (f) Date of result: _____
 - (g) Issues raised: _____
- _____
- _____
- _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: *I disagree with the judge's decision! I believe the judge incorrectly stated that I was speculating on the political organization [redacted] and recognized as an extremist organization in Russia, and denied me a further hearing.*

(a) Supporting facts (Be brief. Do not cite cases or law.):

I've long been a supporter of the [redacted]. I've supported them financially at various times. Thousands of criminal cases have now been opened in Russia for these actions. Payments and money transfers to this organization have no statute of limitations.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

GROUND FOUR:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?
 Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: I disagree with the judge's decision to terminate the hearing of my case and send me back to Russia

Request for Relief

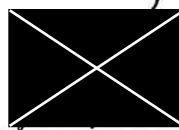
15. State exactly what you want the court to do: I demand a review of my case. A reversal of the decision to deport me back to Russia. I demand a new interview to ensure a fair and honest conclusion to my case.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 12/14/2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

I, Vitalii Rychkov, am a citizen of the Russian Federation.

I was born on [REDACTED] 1977, in Tynda, Amur Oblast. I swear before the laws of the United States of America to tell the truth and nothing but the truth. Everything I have stated below is true. I was a long-time political activist in Russia. I participated in [REDACTED] rallies and protests against the war in Ukraine. I was detained and received threats from [REDACTED]

After threats and denunciations, I decided to leave Russia and left the country on December 10, 2024. Once in Mexico, I decided to cross the border and seek political asylum from the US government. On November 16, 2025, I crossed the border near the Tecate border crossing and was detained by border guards.

On November 20, 2025, I was transferred to Olay Mesa Correctional Facility, where I remain to this day. On December 1, USCIS conducted a fear interview with me, which was negative. I requested an interview with an immigration judge, which was scheduled for a week later. On December 5, I met with the immigration judge, who also denied my asylum request.

I ask you to reconsider the immigration judge's decision to deport me, as I believe that torture and prison await me in Russia.

Since 2010, I have been an active critic of the [REDACTED] speaking out against corruption and repression of political prisoners, and more recently, openly opposing the criminal war in Ukraine. I also advocate for the integrity of Ukraine, where I recognize Crimea as part of Ukraine. I was arrested at anti-war rallies. I have received threats from [REDACTED]

[REDACTED] and demanding that law enforcement



pay attention to me and take action.

It's dangerous for me to return to Russia because of the repressive mechanisms in place there. Anyone who disagrees with the regime is tortured and imprisoned. Thousands of political prisoners have already received real prison sentences. There are also known cases of activists deported from America being met at the airport by FSB officers, checked, and then imprisoned.

I disagree with the immigration court's decision to deport me to Russia. I ask that the deportation decision be stayed, that a retrial be conducted, that all facts of my persecution in Russia be taken into account, and that I be allowed to present at the final hearing all the facts that contributed to my forced departure from Russia.

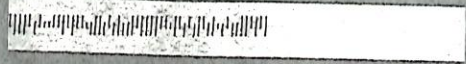
12/15/2025

Ryckov Vitalii



PSYCHOVITAI
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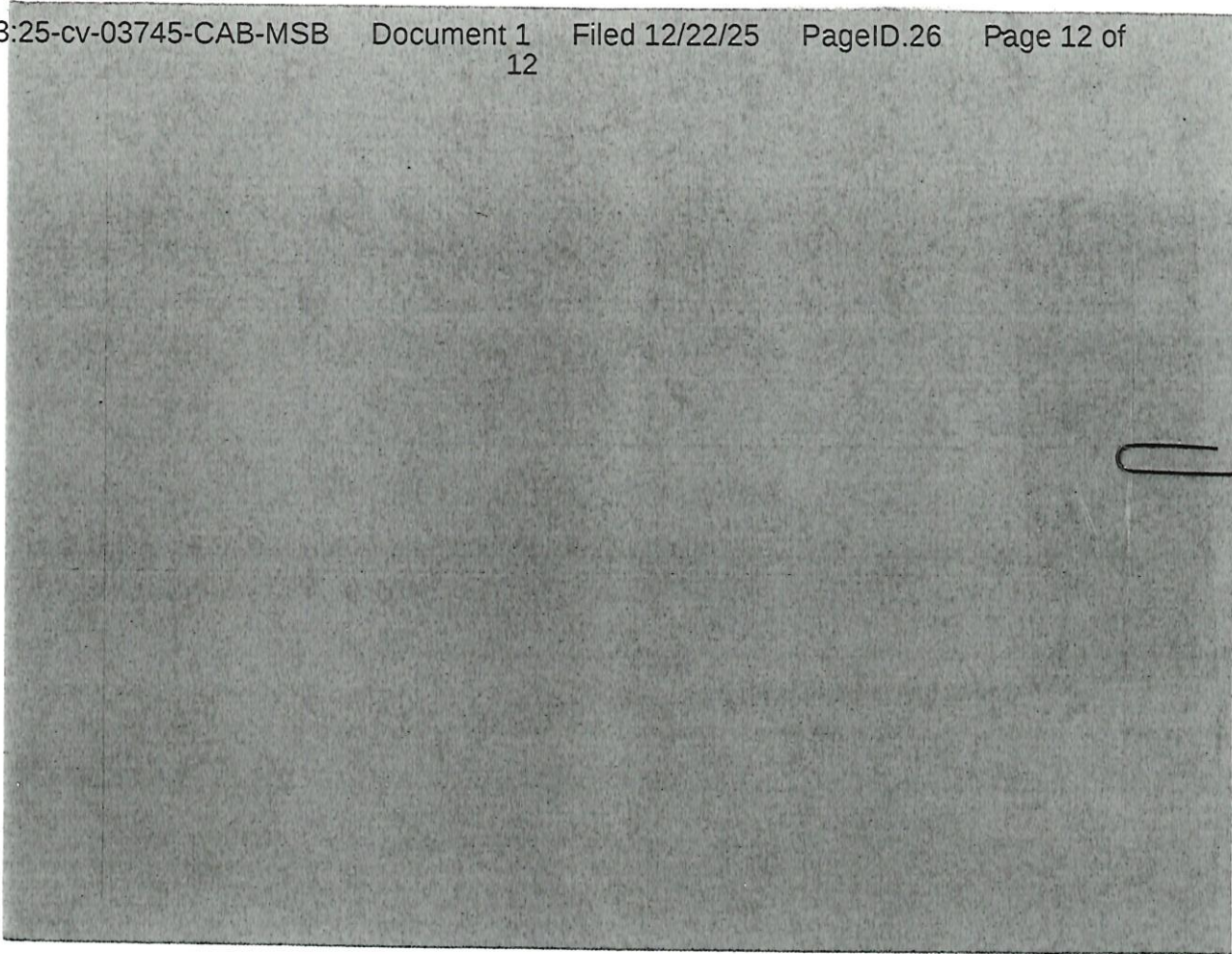
POD-H-101U
OTAY MESA DETENTION FAC.
P.O. BOX 439049
SAN DIEGO, CA 92143



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SOUTHERN DISTRICT OF CALIFORNIA
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U.S. DISTRICT COURT
SOUTHERN OF CALIFORNIA
333 WEST BROADWAY
SAN DIEGO, CA, 92101





UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

RYCHKOV, VITALII

To:

RYCHKOV, VITALII
C/O: RODNEY RICHMOND
DHS CUSTODY
SAN DIEGO, CA 92154

A-Number:



Riders:

In Credible Fear Review Proceedings
Initiated by the Department of Homeland Security

Date:

12/05/2025

ORDER OF THE IMMIGRATION JUDGE

On 12/05/2025, a review of the Department of Homeland Security's (DHS's) negative credible fear determination was held in this matter. This Court considered testimony and any documentary evidence submitted regarding the Applicant's fear of persecution or torture.

Upon de novo consideration, the Court makes the findings below —

[complete section (1), then complete either section (2) or (3)]

(1) — For all cases

A. The Applicant —

Is covered by the presumption of asylum ineligibility at 8 C.F.R. § 1208.33(a)(1)-(2),

or

Is not covered by the presumption of asylum ineligibility at 8 C.F.R. § 1208.33(a)(1)-(2).

B. If the Applicant is covered by the presumption of asylum ineligibility, the Applicant —

Has rebutted the presumption under 8 C.F.R. § 1208.33(a)(3),

or

Has not rebutted the presumption under 8 C.F.R. § 1208.33(a)(3).

(2) — IF the Applicant is not covered by the presumption OR has rebutted the presumption

The Applicant *has* established a *significant possibility* of eligibility for asylum under section 208 of the Immigration and Nationality Act (Act), withholding of removal under section 241(b)(3) of the Act, or withholding of removal under the Convention Against Torture (CAT).

The Applicant *has not* established a *significant possibility* of eligibility for asylum under section 208 of the Immigration and Nationality Act (Act), withholding of removal under section 241(b)(3) of

the Act, or withholding of removal under the Convention Against Torture (CAT).

(3) — IF the Applicant is covered by the presumption AND has not rebutted the presumption

The Applicant *has* established a *reasonable possibility* of persecution (meaning a reasonable possibility of being persecuted because of their race, religion, nationality, political opinion, or membership in a particular social group) or torture.

The Applicant *has not* established a *reasonable possibility* of persecution (meaning a reasonable possibility of being persecuted because of their race, religion, nationality, political opinion, or membership in a particular social group) or torture.

Based on the findings above, the Court issues the following order -

IT IS HEREBY ORDERED THAT:

- The DHS credible fear determination is **AFFIRMED**, and the case is returned to DHS for removal of the Applicant.
- The DHS credible fear determination is **VACATED**.

This is a final order. There is no appeal from this decision.



Immigration Judge: Samantha Begovich 12/05/2025

Certificate of Service

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To: [] Alien | [P] Alien c/o custodial officer | [] Alien atty/rep. | [E] DHS

Respondent Name : RYCHKOV, VITALII | 

Riders:

Date: 12/05/2025 By: Samantha Begovich, Immigration Judge